

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

RYAN, LLC,

Plaintiff,

CHAMBER OF COMMERCE OF
THE UNITED STATES OF
AMERICA, *et al.*,

Plaintiff-Intervenors,

v.

FEDERAL TRADE COMMISSION,

Defendant.

CASE NO.: 3:24-CV-986-E

**JOINT MOTION FOR LEAVE TO FILE
JOINT APPENDIX CONTAINING RELEVANT PORTIONS
OF THE ADMINISTRATIVE RECORD**

In view of the length of the administrative record in this case, the parties respectfully seek leave to file a joint appendix containing the cited portions of the record on which any party relies in briefing, rather than the record in its entirety. In support of this motion, the parties state as follows:

1. In this case, Plaintiff and Plaintiff-Intervenors (collectively, “Plaintiffs”) challenge the Federal Trade Commission’s (“the Commission”) Non-Compete Clause Rule, 89 Fed. Reg. 38,342 (May 7, 2024) (“the Rule”).

2. The administrative record in this case contains over 250MB of data. The Commission intends to produce the administrative record to Plaintiffs by making the record publicly available on its website.

3. The parties anticipate, however, that only a fraction of the administrative record will be cited in this case. To avoid burdening the Court with thousands of pages of materials that will likely not be necessary to consult to resolve this case, the parties instead propose filing, by June 14, 2024 for the pending motions to stay, and within 14 days after the close of briefing on each subsequent motion for which briefs filed by any party rely on the record, a joint appendix containing only those portions of the record cited or otherwise relied on in the parties' briefs, with any surrounding material necessary for context. This joint appendix would be filed electronically on the court's Electronic Case Filing ("ECF") system.

4. This joint appendix procedure is the procedure used in the United States District Court for the District of Columbia, which handles many cases with voluminous administrative records. *See* D.D.C. Local Civil Rule 7(n)(1)–(2) (“[W]ithin 14 days following the final memorandum on the subject motion,” “counsel shall provide the Court with an appendix containing copies of those portions of the administrative record that are cited or otherwise relied upon in any memorandum in support of or in opposition to any dispositive motion. Counsel shall not burden the appendix with excess material from the administrative record that does not relate to the issues. Unless so requested by the Court, the entire administrative record shall not be filed with the

Court.”), https://www.dcd.uscourts.gov/sites/dcd/files/local_rules/Local%20Rules%20May_2022_0.pdf; *see also id.* (comment to Local Civil Rule 7(n)) (“This rule is intended to assist the Court in cases involving a voluminous record (e.g., environmental impact statements) by providing the Court with copies of relevant portions of the record relied upon in any dispositive motion.”).

WHEREFORE, the parties respectfully request leave to file a joint appendix containing the cited portions of the record by June 14, 2024 for the pending motions to stay, and within 14 days after the close of briefing for each subsequent motion for which briefs filed by any party rely on the record. A proposed order is attached.

Dated: May 29, 2024

Respectfully submitted,

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CERTIFICATE OF WORD COUNT

This document complies with the Court's word count requirement because it contains 458 words.

Dated: May 29, 2024

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